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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the Lord of life, we love You but not enough. We look to You but depend too often on our own strength. We listen for You but make a lot of noise ourselves at the same time. We try to understand, as long as it doesn't change us more than we desire.

Today, draw our Senators closer to You. Empower our lawmakers to become what You desire them to be. Give them Your continual guidance so that they will console the downhearted and provide deliverance to those held captive by evil. Help our lawmakers to hear Your invitation to move to a higher level of ethical fitness.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 18, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator

from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business. Senator ROCKEFELLER will then be recognized for as much time as he may consume. Following his remarks, there will be an additional 2 hours of morning business. The majority will control the first hour and the Republicans will control the next hour.

Following morning business, the Senate will resume postcloture debate on the nomination of David Hamilton to be U.S. circuit judge for the Seventh Circuit.

The postcloture debate time expires about 11 p.m. tonight. It is my hope that time will not be necessary because it is basically wasted Senate time.

Yesterday, we were able to reach an agreement to consider S. 1963, the Caregivers and Veterans Omnibus Health Services Act of 2009 upon disposition of the Hamilton nomination. Senators should expect votes in relation to the Coburn amendment and passage of the bill.

CONGRATULATING SENATOR ROBERT BYRD

Mr. REID. Mr. President, when baseball legend Lou Gehrig retired after playing 2,130 consecutive games, every expert drew the same conclusion: this

record will never be broken. Of course, they were wrong.

Throughout history, forecasters have sentenced themselves to ridicule for prematurely assuming a skyscraper's height would never be topped, for promising an invention's ingenuity would never be outdone, or for contending an athletic feat would never be surpassed.

Even so, I am willing to risk predicting that many of Senator ROBERT BYRD's records will never be matched. Since coming to the Senate in 1959, Senator BYRD has cast more than 18,500 votes. No one else, past or present, even comes close. He is the only Senator who has ever been elected to nine full terms in this body. He has presided over both the shortest session in Senate history—not even one second long—and presided for the longest continuous period—more than 21 hours. No one has ever served on a Senate Committee longer than Senator BYRD. Just days after being sworn in, he joined the Appropriation Committee he would later chair. He has held the most leadership positions in Senate history, and continues to serve as our President Pro Tempore.

And just moments ago, when this body was gavelled into session, Senator BYRD realized one more unparalleled accomplishment: he has just become the longest-serving Member of Congress in U.S. history.

Every day since January 3, 1953—that is 56 years, 10 months and 16 days—West Virginians have been proud to be presented in Washington, by ROBERT BYRD.

He began his service in the House the same day Alaska became our 49th State, and was months into his Senate service when Hawaii became our 50th.

Senator BYRD has served in this Nation's Congress for more than a quarter of the time it has existed. And he has served in Congress longer than more than a quarter of today's sitting Senators—and the President of the United

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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States—have been alive. That doesn't even count one Senator who was born just days after his first election to represent West Virginia's Sixth Congressional District, and a second who was born just weeks after that.

A dozen men have called the Oval Office his own while Senator BYRD has called the Capitol building his office.

He twice won every single one of West Virginia's 55 counties. And throughout one of the longest political careers in history, no one ever has defeated ROBERT BYRD in a single election.

But though each one of those campaigns—after each of the 12 times he has taken an oath to represent the people of West Virginia—on every single one of the 20,774 days he has served—he has never taken the privilege for granted.

As a former leader of both the majority and the minority caucuses in the Senate, he knows better than most that legislation is the art of compromise. It is telling that the man who has served here longer than any other American has come to the conclusion that we must work together as partners, not partisans, for the good of our country—and, of course, the State of West Virginia.

He has seen partisanship and bipartisanship; war and peace; recession and recovery; and his perspective is invaluable to the way we carry ourselves as U.S. Senators.

Senator BYRD's legislative accomplishments are many, and he continues to accumulate them. And while those accomplishments fortify his incomparable legacy, he is perhaps best known in this Chamber as the foremost guardian of the Senate's complex rules, procedures and customs.

He has not concerned himself with such precision as a pastime or a mere hobby. He has done so because of the unyielding respect he has for the Senate. And on this momentous occasion, I say to my friend that the Senate returns that unyielding respect to him.

By virtue of his longevity, ROBERT BYRD has known and worked with many of the greats of the United States Senate. By virtue of his integrity, he has long since established himself among the greats.

There will never be another Senator like Senator BYRD, and today's milestone is another record that will never be broken.

Congratulations, ROBERT C. BYRD, an orphan who changed history.

RECOGNITION OF THE MINORITY LEADER.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

CONGRATULATING SENATOR ROBERT BYRD

Mr. McCONNELL. Mr. President, it has been nearly 30 years now since Sen-

ator BYRD started delivering a series of lectures that ultimately became the book that all of us are familiar with and which all of us admire. And the story of how those lectures came about says a lot about the man who has now served in Congress longer than any other man or woman in the history of our country.

The story goes that it was a quiet Friday morning here in the Senate and Senator BYRD, as the majority leader, went down to the floor without planning to say much of anything at all, except that there wouldn't be any votes that day. But then he looked up to the gallery, and he saw one of his granddaughters up there with some of her classmates, and he thought it might be a good idea if they had something to talk about when they got back to school.

So, quite extemporaneously and quite by happenstance, he delivered a speech to an empty Chamber on the history of the Senate. A week went by, and the same thing happened again. Senator BYRD came to the floor to make some brief statement about the floor business. He looked up to the gallery, and he saw another one of his granddaughters. Of course he couldn't give a history lesson to one and not to another. So he gave another history lesson.

Well, 7 years and about 2 million words later, he stopped giving those history lessons. And now we will always have them. And we are grateful for that, and for this man. ROBERT BYRD once said that what is sometimes considered to be the result of genius is more the result of persistence, perseverance, and hard work. To be a good Senator, he said, one has to work at it. And now, longer than anyone else in our history, he has lived by those words.

Today, ROBERT CARLYLE BYRD sets a record that has been more than 56 years in the making. The records just keep adding up. Three years ago, he became the longest serving Senator in our Nation's history. A few months after that, he became the only person ever elected to nine full terms in the Senate. He has now served in the U.S. Congress for 20,774 days.

He has cast 18,500 votes in the well of this Chamber. He is the longest serving member of the Senate Appropriations Committee. He has presided over the Senate's shortest session and its longest continuous session. He is the only sitting Member of Congress to receive a law degree, a degree that was presented to him by President John F. Kennedy, just one of 12 Presidents that Senator BYRD has served alongside during his distinguished career.

Senator BYRD will tell you that he has been anchored over the years by the values he learned at the feet of his foster parents, by the support and love of his beloved Erma, whom we were all sad to lose, by the U.S. Constitution, and by his faith in God. In a long life, he has known his share of hardships

and triumphs. But he has run the race as if to win. He is still at it and we are grateful for his astonishing record of service to the people of West Virginia, to the United States Senate, and to the Nation he loves.

In achieving this latest milestone, Senator BYRD surpasses a former colleague of his—Carl Hayden, another legendary figure who served the people of Arizona in the Senate for 42 years. Carl Hayden was known to many as the "Silent Senator." That probably isn't a phrase many would use to describe Senator BYRD. But what they both share is an undying love of this great country of ours and of the U.S. Congress. So I would like to join my colleagues, my fellow Americans, the people of West Virginia, and the Byrd family in celebrating this historic occasion. Senator BYRD, congratulations.

GUANTANAMO

Mr. McCONNELL. Mr. President, this morning, the Attorney General will appear before the Senate Judiciary Committee for an oversight hearing. Among other matters, he will be asked questions about the Administration's recent decision to voluntarily bring terrorist detainees from Guantanamo Bay, Cuba, into the United States, including for purposes of civilian trial.

I, myself, have questions for the Attorney General.

The administration justifies sending Kahlid Sheik Mohammed and his fellow 9/11 plotters to civilian court, while prosecuting other foreign terrorists in military commissions because, it says, the former targeted civilians on American soil, while the latter attacked military targets overseas, like the warship USS *Cole*. I find this a truly troubling distinction.

First, is that rationale not internally inconsistent and, frankly, disingenuous? Everyone knows the Pentagon is a military target. Indeed, it is our Nation's foremost military command and control installation. What does it say to the military families of those service men and women who were killed that day to ignore that Kahlid Sheik Mohammed attacked a military target on 9/11?

Second, under this rationale, is the administration not telling terrorists that if they target defenseless U.S. civilians on our own soil they will get the rights and privileges of American citizens, whereas if they attack a military target, like the USS *Cole*, which can defend itself, they will not get these rights and privileges? Does that approach not reward terrorists with benefits—like potentially providing them access to sensitive information, and providing them a platform for propagandizing—for attacking civilians here in the U.S., rather than military targets abroad?

In short, I think the administration has made an ill-advised decision by bringing foreign terrorists from Guantanamo Bay into the United States. There are a lot of well-known